

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 2904 - SB 3629

March 7, 2012

SUMMARY OF BILL: Creates a mandatory minimum 15-year sentence for an offender who commits or attempts to commit a dangerous felony with a firearm and has a previous conviction for the same offense. Requires the offender to serve 100 percent of the sentence imposed less sentence credits earned and retained. Specifies that no sentence reduction credits shall reduce the sentence imposed by the court by more than 15 percent.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- A violation of Tenn. Code Ann. § 39-17-1324 can be punished as a Class C or Class D felony offense. Under current law, there is a mandatory minimum six-year sentence for the Class C felony unless the defendant has a prior felony conviction at the time of the offense, in which case the minimum sentence would be ten years. Under current law, there is a mandatory minimum three-year sentence for the Class D felony unless the defendant had a prior conviction at the time of the offense, in which case the minimum sentence would be five years. The proposed bill does not change the classification of the felonies.
- According to the Department of Correction, there has been an average of 0.20 admissions for the offense of employing a firearm during the commission of a dangerous felony in each of the past 10 years.
- With the current mandatory minimum sentences, the ability of the offender to earn sentence credits up to 15 percent, and the insignificant number of additional offenders estimated by the Department, it is unlikely that the proposed bill will have a significant fiscal impact to the Department for additional incarceration costs.
- Any increase in caseloads for the District Attorneys General Conference, the District Public Defenders Conference, or the state trial courts can be accommodated within existing resources without an increased appropriation or reduced reversion.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/lsc